

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, February 2, 1999

DIVISION TWO

**A084923 -- Alta Bates Medical Center, et al. v. The Superior Court of Alameda County, Bobby Lee Jones, R.P.I.**

By The Court: The petition for writ of mandate/prohibition/stay is denied. Haerle, Acting P.J.

**A085650 -- Rhone-Poulenc Basic Chemicals Co., et al. v. The Superior Court of Contra Costa County, Todd Meyers, et al., R.P.I.**

By The Court: Pending determination of the petition on file herein, and subject to further order of this court, the trial in the above-referenced case is temporarily stayed. Kline, P.J.

DIVISION THREE

**A075499 -- George Bautista v. Allswang, Smith & Walsh et al.**

The summary judgment is reversed. Costs on appeal are awarded to Bautista. Parrilli, J. We concur: Corrigan, Acting P.J., Walker, J. (Not for Publication.)

**A082178 -- The People v. Vincent Pharr.**

The judgment is affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION ONE

Tuesday, February 2, 1999

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., , Swager, J., Marchiano, J., and B. Robbins, Deputy Clerk.

A081795     The People,  
              v.  
              Andre Lamont Wiley.  
Cause called and argued by Kimberly Fitzgerald, counsel for appellant, and Margo Yu, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A082353     Glaxo Wellcome, Inc.,  
              v.  
              State Board of Equalization.  
Cause called and argued by Joseph Powers, counsel for appellant, and Julian O. Standen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A081178     Norman Monarch,  
              v.  
              Southern Pacific Transportation Company, et al.  
Cause called and argued by Jess Yanez, counsel for appellant, and Thomas Payne, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Swager left the bench and Justice Stein joined the bench.

A082672     Kenneth Cole, Jr.  
              v.  
              Ocwen Federal Bank, et al.  
Cause called and argued by Kenneth Cole, Jr., appellant in pro per, and Eric Houser, counsel for respondent. Cause ordered submitted.

A080014 Sue Lui,  
v.

Lincoln University.

Cause called and argued by Sue Lui, appellant in pro per, via teleconference, and Denise Trani-Morris, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Tuesday, February 2, 1999

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Strankman, P.J., Stein, J., Swager, J. and N. Millner, Deputy Clerk.

A080174 Dr. Robert Martinez, D.C., et al.,  
v.  
Paula Insurance Company, et al.  
Cause called and argued by Valeriano Saucedo, counsel for appellants, and Jacqueline DeSouza, counsel for respondent Paula Insurance Company, and Robert Hooy, counsel for respondent Comprehensive Medical Network. Cause ordered submitted.

A078773 Ivan Mrosovsky, et al.,  
v.  
Henry Lampe.  
Cause called and argued by James Carter, counsel for appellant, and Scott Kalkin, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Strankman left the bench and Justice Stein joined the bench and became Acting Presiding Justice.

A080660/ In re Estate of George T. Quinto, Deceased.  
A081379 Augusto Quinto, et al.,  
v.  
Yuk Wah Lee Quinto, et al.  
Causes called and argued by Michael Levy, counsel for Augusto Quinto, and Alan Dell'Ario, counsel for Yuk Wah Lee Quinto. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, February 3, 1999

DIVISION THREE

**A080747 -- Albert A. Chaknova et al. v. Wilbur-Ellis Company.**

The granting of summary judgment in favor of Wilbur-Ellis is affirmed.  
Respondent to recover costs on appeal. Walker, J. We concur: McGuiness, P.J.,  
Parrilli, J. (Certified for Publication.)

**A081249 -- Martin M. Segoria v. Wilbur-Ellis Company.**

The granting of summary judgment in favor of Wilbur-Ellis is affirmed.  
Respondent to recover costs on appeal. Walker, J. We concur: McGuiness, P.J.,  
Parrilli, J. (Not for Publication.)

DIVISION FIVE

**A083208 -- The People v. Terrance Douglas Henegar.**

The judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J.  
(Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, February 4, 1999

DIVISION TWO

**A082163 -- The People v. Charles Marshal Bonds.**

The court's order granting Bonds' motion to suppress and the judgment of dismissal are reversed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A085656 -- Salvador Michael Robles v. The Superior Court of Solano County, California Department of Corrections, R.P.I.**

By The Court: The petition for writ of mandate is denied. Kline, P.J.

**A085667 -- FMC Corporation v. The Superior Court of San Mateo County, East Bay Municipal Utility District, R.P.I.**

By The Court: The petition for writ of mandate is denied without prejudice as premature in that no written order has been signed by the trial court in compliance with Code of Civil Procedure section 437c, subdivision (g). (*See Tera Pharmaceuticals, Inc. v. Superior Court* (1985) 170 Cal.App.3d 530, 532; *Continental Insurance Co. v. Superior Court* (1985) 165 Cal.App.3d 1069, 1071-1072; *Young v. Superior Court* (1986) 179 Cal.App.3d 28.) Kline, P.J.

DIVISION THREE

**A080334 -- The People v. Linda Faye Lawson.**

By The Court: The petition for rehearing is denied. McGuiness, P.J.

Thursday, February 4, 1999 (continued)

DIVISION FIVE

**A076251 -- Schram Construction, Inc. v. HBE Corporation.**

The award of prejudgment interest for delay impact damages is reversed. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Thursday, February 4, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: Parrilli, J., \*Phelan, J., Walker, J., and C. Turner, Deputy Clerk.

- A077134      The People,  
                 v.  
                 Reggie Perkins,  
                 Cause called and argued by Carlton Edgar Lacy, counsel for appellant, and  
                 Thomas Brady, Deputy Attorney General, counsel for respondent.  
                 Cause ordered submitted.
- A070356      Dendy, Henry Lee  
                 v.  
                 Sears, Roebuck & Company,  
                 Cause called and argued by Ellis J. Horvitz, and Roy G. Weatherup,  
                 counsel for appellants, and Daniel U. Smith, counsel for respondent.  
                 Counsel to submit 2 page letter brief one week from February 4, 1999.  
                 Cause ordered submitted.  
                 \*Justice Phelan left the bench.
- A084839      Billie W.,  
                 v.  
                 The Superior Court,  
                 Social Services Agency, et al.,  
                 Matter continued to February 23, 1999.
- A080801      Anthony Pellicano,  
                 v.  
                 Nancy L. Martin,  
                 Cause called and argued by Louise Adele Judkins, counsel for appellant,  
                 and Mark Jerome Helmueller, counsel for respondent.  
                 Counsel has no objection to Corrigan J., absence and her  
                 listening to the audio tape of oral argument.  
                 Cause ordered submitted.



A080071

Michelle Bartlett,

v.

The City and County of San Francisco, et al.,

Cause called and argued by Lawrence A. Strick, counsel for appellant, and Mark Lewis Mosley, counsel for respondent. Counsel has no objection to Corrigan, J. absence and her listening to the audio tape of oral argument. Cause ordered submitted.

court adjourned

\*Retired Presiding Justice of the Court of Appeal, First District assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, February 5, 1999

DIVISION ONE

**A081889 -- The People v. Carl A. Neighorn.**

The judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

**A084854 -- Joseph McInerney v. The Superior Court of the County of San Francisco, Eugene Spector, R.P.I.**

**A084855 -- Joseph McInerney v. The Superior Court of the County of San Francisco, Baker Places, Inc., et al., R.P.I.**

The Court: Therefore let a peremptory writ of mandate issue commanding respondent Superior Court of the County of San Francisco to set aside its order denying disqualification of Judge Ronald Quidachay in *McInerney v. Baker Places, Inc.* (San Francisco Superior Court No. 991088) and to appoint a replacement of Judge Quidachay in that case and in *McInerney v. Spector* (San Francisco Superior Court No. 992337). (§ 170.3, subd. (c)(6).) The stays previously imposed shall remain in effect until the remittitur issues. This opinion is final as to this Court immediately. (Cal. Rules of Court, rule 24(c).) Strankman, P.J., Stein, J., and Marchiano, J. (Not for Publication.)

DIVISION FIVE

**A080598 -- The People v. Gabriel Paul Roberson.**

The judgment of conviction is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

Friday, February 5, 1999 (continued)

**A081881 -- The People v. Jose Leon Mendoza.**

The judgment of conviction is affirmed. Stevens, J. We concur: Jones, P.J., Haning, (Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, February 8, 1999

DIVISION ONE

**A081765 -- Bill Repp v. Trafalgar House Inc.**

The judgment is reversed to the extent that it dismissed the first, second and eighth causes of action against Trafalgar and is otherwise affirmed. Costs are awarded to appellant. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

DIVISION THREE

**A080071 -- Ryan Battaglia, a minor, etc. v. City and County of San Francisco.**

Affirmed. Respondent to recover costs on appeal. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

**A082157 -- The People v. Johnny Bustamante, Jr.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

Monday, February 8, 1999 (continued)

**A083841 -- The People v. Kenneth Paul Wade.**

**A084896 -- In re Kenneth Paul Wade, On Habeas Corpus.**

We also find that Wade's petition for habeas corpus fails to make a prima facie case. The petition is therefore denied.

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J.  
(Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, February 9, 1999

DIVISION ONE

**A081995 -- The People v. Kevin Baty.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J.,  
Marchiano, J. (Not for Publication.)

**A082353 -- Glaxo Wellcome, Inc. v. State Board of Equalization.**

The judgment is affirmed. Strankman, P.J. We concur: Swager, J.,  
Marchiano, J. (Not for Publication.)

**A083073 -- The People v. Peter J. Ortiz.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J.,  
Marchiano, J. (Not for Publication.)

DIVISION TWO

**A080268 -- Willie D. Turner v. City of San Leandro.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J.  
(Not for Publication.)

Tuesday, February 9, 1999 (continued)

**A085490 -- Calcomp Technology Inc. v. The Superior Court of Alameda County, Gerald Pitts, R.P.I.**

By The Court: Petitioner having informed this court that the case has settled, the petition for writ of mandate/prohibition is dismissed as moot. Kline, P.J.

DIVISION THREE

**A082670 -- The California Department of Corrections v. The Superior Court of Solano County, Gilbert Bribiesca et al., R.P.I.**

Let an order issue directing the Superior Court of Solano County to set aside its denial of CDC's petition for review of the ALJ's order denying CDC's request to administer involuntary medication to Bribiesca and directing the superior court to consider the merits of CDC's petition. Phelan, J.\* We concur: Corrigan, Acting P.J., Walker, J.

\*Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

DIVISION FIVE

**A079731**

**A080825 -- Robert L. Cloud & Associates, Inc. v. Walter R. Mikesell, Jr.**

The judgment is reversed insofar as it orders payment of royalties and awards punitive damages. In all other respects, the judgment is affirmed. The postjudgment order awarding costs is modified by deleting the expert witness fees of \$18,217. Costs on appeal are awarded to appellant. Haning, J. We concur: Jones, P.J., Stevens, J. (Certified for Partial Publication.)

Tuesday, February 9, 1999 (continued)

**A079796 -- The People v. Michael John Doran.**

Appellant's assault conviction under section 245, and the finding under section 1203, subdivision (e)(2) that appellant used a deadly weapon when committing his crimes are reversed. In all other respects, the judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**A081215 -- John Legnitto v. Luscutoff, Lendormy & Karasoff et al.**

The summary judgment is reversed as to appellants' malicious prosecution action based on respondent's third cause of action for bad faith denial of contract. The judgment is otherwise affirmed. The parties shall bear their own costs on appeal. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A082689 -- Gina M. Kelley v. Leroy Frank Dutra et al.**

Judgment is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)



Courtroom Minutes  
Division 4  
Tuesday, February 9, 1999

Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., Poche, J. and McGuiness, J.; Channing Hoo, Deputy Clerk and CHP Officer Elizabeth Swanson, Bailiff.

A081471      Vikco Insurance Services, Inc.  
                 v.  
                 Ohio Indemnity Company  
Cause called and argued by Charles A. Koss, counsel for appellant Vikco, and by Robert Sallander, counsel for respondent. Cause ordered submitted.

At this point, the court reconstituted itself to include Poche, Acting P.J., Reardon, J. and McGuiness, J.

A080422      George J. Habeeb et al.  
                 v.  
                 Robert H. Highsmith et al.  
Cause called and argued by David Replogle, counsel for appellants Highsmith et al., and by David J. Friedenberg, counsel for respondents. Cause ordered submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Poche, J. and Reardon, J.

A080171      Beth Winterhawk et al.  
A081660      v.  
                 City of Benicia et al.  
Causes called and argued by Andrea Saltzman, counsel for appellants City et al., and by Michael Rawson, counsel for respondents. Causes ordered submitted.

A080113 Estate of Margarita Flamenco et al.  
v.  
City and County of San Francisco et al.  
Cause called and argued by Abraham Flores, counsel for appellants Estate et al.,  
and by Blake Loebbs, counsel for respondents. Cause ordered submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Reardon, J.  
and Sepulveda, J.

A080818 Save Our Danville Creeks et al.  
v.  
Shapell Industries of Northern California et al.  
Cause called and argued by Stuart Flashman, counsel for appellants Save et al.,  
and by Stephen Kostak, counsel for respondents. Cause ordered submitted.

A082049 People v. Learard May Peterson  
A084937 In re Learard May Peterson on Habeas Corpus  
Causes called and argued by Jean Matulis, counsel for appellant/petitioner  
Peterson, and by Frances Dogan, counsel for respondent. Causes ordered  
submitted.

Court recessed at 11:48 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, February 10, 1999

DIVISION ONE

**A083201 -- Conservatorship of the Person and Estate of David S.  
The People v. David S.**

The order re-establishing David's conservatorship is reversed and the matter remanded for proceedings consistent with this opinion. Strankman, P.J. We concur: Stein, J., Marchiano, J. (Not for Publication.)

**A084092 -- The People v. Gary Lee Pilgrim.**

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A085288 -- Jose F. v. The Superior Court for the City and County of San Francisco, San Francisco Department of Human Services, R.P.I.**

The petition is denied on the merits. (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (l)(1).) Given the nearness of the section 366.26 hearing set for March 17, 1999, our decision is final as to this court immediately (rule 24(d)). Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Wednesday, February 10, 1999 (continued)

DIVISION THREE

**A073202 -- Care Management Corporation, dba Sharon Heights  
Convalescent Hospital v. Department of Health Services, State of California.**

The order denying the petition for a writ of administrative mandate is affirmed. Corrigan, J. We concur: Phelan, P.J.\*, Parrilli, J.

\*Retired Presiding Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A077134 -- The People v. Reggie Perkins.**

The judgment of conviction is affirmed. Phelan, J.\* We concur: Parrilli, Acting P.J., Walker, J.

\*Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A081709-A -- Gary O. Alexander v. Larry Lockshin.**

The trial court's sanctions order is affirmed as to Alexander. Lockshin shall recover his costs on appeal. Lockshin is also awarded sanctions of \$10,302.50 from Alexander. Alexander is ordered to report this court's sanctions award to the State Bar within 30 days. (Bus. & Prof. Code, § 6068(o)(3).) The clerk of this court will send a copy of this opinion to the State Bar. (Bus. & Prof. Code, § 6086.7, subd. (c).) Parrilli, Acting P.J. We concur: Phelan, J.\*, Walker, J.

\* Retired Presiding Justice of the First District Court of Appeal assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Wednesday, February 10, 1999 (continued)

**A080801 -- Anthony Pellicano v. Nancy L. Martin.**

Affirmed. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

**A080895 -- The People v. Rosendo Lopez.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

**A082151 -- The People v. Robert Angelo Pizzagrani.**

The order granting a new trial is reversed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

**A083754 -- In re David P., a Person Coming Under the Juvenile Court Law.**

The order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to CYA is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, February 11, 1999

DIVISION ONE

**A078335 -- Henry Grausz et al. v. Evans, Farber & Cipinko et al.**

Order Denying Opinion and Denying Rehearing; The Court: It is ordered that the opinion filed herein on January 13, 1999, be modified in the following particulars: (See Order.)

There is no change in the judgment.

The petitions for rehearing are denied. Strankman, P.J. (Not for Publication.)

**A078773 -- Ivan Mrosovsky et al. v. Henry Lampe.**

The judgment is affirmed. Mrosovsky and Veronica Lampe are awarded the costs incurred by them in responding to the appeal. Henry Lampe is awarded the costs incurred by him in defending the cross-appeal. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

Thursday, February 11, 1999 (continued)

**A079314 -- Dwight Willard v. Steven J. Duca Stuart et al.**

The judgment is affirmed as to liability and compensatory damages. It is reversed as to the award of punitive damages, and the matter remanded to the trial court for a determination of an appropriate award of punitive damages against Stuart and Frederick Kennerley, separately. Although Stuart has prevailed on the issue of punitive damages, his victory in that regard may be pyrrhic and Willard has prevailed on all substantive issues raised by Stuart in his appeal. Willard, therefore, is awarded his costs on appeal. Rebecca Kennerley is awarded her costs for responding to the cross-appeal. Finally, although we find most of Stuart's contentions wholly to lack merit, we do not find that the appeal is frivolous under the standard set forth in *Marriage of Flaherty* (1982) 31 Cal.3d 637, 650-651, and we therefore decline to award sanctions against him. Stein, J. We concur: Strankman, P.J. Marchiano, J. (Not for Publication.)

**A080014 -- Sue Lui v. Lincoln University.**

The judgment is affirmed. Costs to Respondents. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A081656 -- The People v. Kelly Lucille Aultman.**

The judgment as to counts two and four is reversed with directions to the trial court to dismiss the counts. In all other respects, the judgment is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, (Not for Publication.)

**A081795 -- The People v. Andre L. Wiley.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

**A081906 -- The People v. Christopher H.**

The jurisdictional and dispositional orders are affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Thursday, February 11, 1999 (continued)

**A082724 -- The People v. Melvin H.**

The jurisdictional and dispositional orders are affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A079606 -- Redwood Coast Watersheds Alliance v. California State Board of Forestry et al.**

We affirm the judgment and RCWA is awarded costs on appeal. Lambden, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A082169 -- Alta Bates Medical Center v. Contra Costa Health Plan.**

The judgment is affirmed. CCHP is awarded costs on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

**A084086 -- Bronson, Bronson & McKinnon LLP v. Amparo S. Haskell, etc., et al.**

The motion is granted, and the purported appeal is dismissed as to Haskell only. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)



Thursday, February 11, 1999 (continued)

**A084833 -- California Correctional Peace Officers' Association, et al. v. State of California, et al.**

The petition for writ of supersedeas/stay is granted. Pending determination of the appeal in A085064, and subject to further order of this court, the preliminary injunction issued in the above-referenced matter is stayed. We note, however, that the Department of Corrections remains bound by the provisions of Government Code section 3300, et seq.

Defendants' request for judicial notice is denied.

Appellants' opening brief in A085064 having been filed on February 10, 1999, the parties are hereby advised that extensions of time will not be granted with respect to briefs not yet received. Kline, P.J.

**A084951 -- California Correctional Peace Officers Association, et al. v. The Superior Court of San Francisco County, State of California, et al., R.P.I.**

By The Court: The petition for writ of mandate is denied. Petitioners have an adequate remedy at law by way of their cross-appeal in A085064. Kline, P.J.

**A085765 -- Robert Neal Anderson v. The Superior Court of Humboldt County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate/prohibition is denied. Kline, P.J.

DIVISION THREE

**A079705 -- The People v. Mony M. Farael.**

The judgment is affirmed. Corrigan, J., We concur: Phelan, P.J.\*, Parrilli, J.

\*Retired Presiding Justice of the Court of Appeal, First District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

Thursday, February 11, 1999 (continued)

DIVISION FIVE

**A079731**

**A080825 -- Robert L. Cloud & Associates, Inc. v. Walter R. Mikesell, Jr.**

Order Modifying Opinion; Upon the court's own motion, it is hereby ordered the opinion filed herein on February 9, 1999, be modified as hereinafter set forth: (See Order.)

This modification does not affect the judgment. Jones, P.J. (Certified for Partial Publication.)

**A081834 -- In re Terrance H., a Person Coming Under the Juvenile Court Law.**

The order of the juvenile court is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A081856 -- Robert G. Berry v. Town of Ross, Samuel Livermore et al, R.P.I.**

Appellant's request for attorney fees, under Government Code section 800, is denied.

The judgment denying appellant's petition for writ of administrative mandate is affirmed. Stevens, J. We concur: Jones, P.J., Haning, J. (Not for Publication.)

**A082220 -- XL Homes, Inc., et al. v. Cobblestone Development Corporation, et al.**

The judgment is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J. (Not for Publication.)

Thursday, February 11, 1999 (continued)

**A083396 -- The People v. Steven Lemonn Bibbs.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, February 16, 1999

DIVISION TWO

**A082839 -- Peter Atia v. Workers' Compensation Appeals Board and Luxor Cab Company.**

The Court: The petition for writ of review is denied. Kline, P.J.

DIVISION FOUR

**A077911 -- William Yu et al. v. Signet Bank/Virginia et al.**

The judgment in favor of respondents is reversed as to appellants' second cause of action for abuse of process and fifth cause of action for an unlawful business practice, and affirmed as to all other causes of action. The parties shall bear their own costs on appeal. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J. (Certified for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, February 17, 1999

DIVISION ONE

**A079804 The People v. Herbert Dean Wolff**

The judgment is affirmed. Strankman, P. J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A080174 -- Robert Martinez et al. v. Paula Insurance Company et al.**

The judgment is affirmed. Respondents are awarded their costs on appeal. Stein, J. We concur: Strankman, P. J., Swager, J. (Not for Publication.)

**A082809 -- United Services Automobile Association v. Thrifty Rent A Car System, Inc.**

The judgment is affirmed.

Costs are awarded to respondent. Swager, J. We concur: Strankman, P.J., Stein, J. (Not for Publication.)

Wednesday, February 17, 1999 (continued)

DIVISION TWO

**A078588 -- Jon C. Fretland v. County of Humboldt.**

The judgment in favor of the County is reversed. Summary judgment was properly granted on the assault and battery claim against the County, but should not have been granted as to Fretland's second cause of action against the County for violation of the FEHA and Fretland's eighth and ninth causes of action against the County for intentional and negligent infliction of emotional distress. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Certified for Publication.)

**A085646 -- William S. Gordon v. The Superior Court of Sonoma County, The People of the State of California, R.P.I.**

By The Court: The petition for writ of mandate/stay is denied because the matter appears to relate to an issue concerning the admissibility of evidence even though the trial court has not yet issued such a ruling. Neither a writ of prohibition nor a writ of mandate will lie to resolve an issue as to the admissibility of evidence. (People v. Municipal Court (Ahnemann) (1974) 12 Cal.3d 658, 660.) We make no ruling as to whether the evidence is admissible. Kline, P.J.

DIVISION THREE

**A078501, A081476 -- In re Vanna W. et al., Persons Coming Under the Juvenile Court Law.**

Affirmed. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Wednesday, February 17, 1999 (continued)

DIVISION FOUR

**A080439, A080767 -- Adam Lazar v. Hertz Corporation et al.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., McGuiness, J.\*

\*Presiding Justice, Court of Appeal, First Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Publication.)

**A080818 -- Save Our Danville Creeks et al. v. Contra Costa County et al., Shapell Industries of Northern California et al., R.P.I.**

The judgment is affirmed. The County is to recover its costs on appeal. Hanlon, P.J. We concur: Reardon, J., Sepulveda, J. (Not for Publication.)

**A081340 -- California Pacific Homes, Inc. v. Scottsdale Insurance Company et al.**

The judgment is affirmed. Poché, Acting P.J. We concur: Reardon, J., Sepulveda, J. (Certified for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, February 17, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Haerle, Acting, P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A077125     Estate of Mario Bianchi, Deceased.  
              Glenn H. Sipma  
              v.  
              Redwood Community College District  
Cause called and argued by Jeffrey Guttero, counsel for appellant and Katherine E. Anderton, counsel for respondent. Appellant granted 10 days in which to file a supplemental letter brief. Case will be deemed submitted upon the filing of said letter brief.
- A083284     Costco Companies, Inc.  
              v.  
              Charles Noble, et al.  
Cause called and argued by Dale Gronemeier, counsel for appellants and David McDowell, counsel for respondent. Cause ordered submitted.
- A80284       North Forks Improvement Group, et al.  
              v.  
              Mendocino Solid Waste Management Authority  
Cause called and argued by Timothy Stoen, counsel for appellants and Frank Zotter, counsel for respondent. Cause ordered submitted.
- A081006     In re the Marriage of Sandra and Rodney Cunningham  
              Sandra Cunningham  
              v.  
              Rodney Cunningham  
Argument waived; cause submitted.



A085269      The People  
v.  
Superior Court, San Francisco County  
Carlos Ramirez  
Cause called. Brendan Conroy appeared on behalf of real party in interest.  
No appearance was made on behalf of petitioner. Cause continued to  
Thursday, February 18, 1999 at 11:00 a.m.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, J., Haerle, J., Ruvolo, J.,  
and S. Graham, Deputy Clerk.

A080002      Vincent Diraimondo  
v.  
Douglas K. Patton  
Cause called and argued by Lorraine Walsh, counsel for appellant and  
Sherri Conrad, counsel for respondent. Cause ordered submitted.

A080177      Estate of Emma Hauser, Deceased.  
Virginia Davidson, et al.  
v.  
Victor Hauser, et al.  
Cause called and argued by Michael Dougherty, counsel for appellants and  
W. Ruel Walker, counsel for respondents. Cause ordered submitted.

A081454      Dreisbach Enterprises, Inc.  
v.  
Americold Corporation  
Cause called and argued by Steven Wilker, counsel for appellant and  
Robert Poindexter, counsel for respondent. Cause ordered submitted.

Court recessed until Thursday, February 18, 1999 at 9:30 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, February 18, 1999

DIVISION TWO

**A078285 -- Elizabeth Rosemary Campbell et al. v. Parker-Hannifin Corporation et al.**

By The Court: The request to publish to above-entitled opinion filed January 21, 1999, is granted. Kline, P.J.

DIVISION FOUR

**A074728 -- The People v. William Gordon Barnhard.**

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Reardon, J.  
(Not for Publication.)

## MINUTES

### CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Thursday, February 18, 1999

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J., and I. Santos, Deputy Clerk.

A081418     The People,  
              v.  
              Ladelle Jackson.  
Cause called and argued by John Francis McCabe, counsel for appellant,  
and Larry Sullivan, Deputy Attorney General, counsel for respondent.  
Cause ordered submitted.

A079490     Frederick Richard Mayers,  
              v.  
              Truck Insurance Exchange.  
Cause called and argued by Destie Lee Overpeck, counsel for appellant,  
and Palmer John Swanson, counsel for respondent. Cause ordered  
submitted.

At this point of the proceeding, Justice Kline left the bench and Justice Ruvolo joined the bench for the remainder of the calendar.

A085269     The People,  
              v.  
              The Superior Court of San Francisco County;  
              Carlos Ramirez, Real Party in Interest.  
Cause called and argued by Bruce Slavin, counsel for petitioner, and  
Brendan Conroy, counsel for real party in interest. Cause ordered  
submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Lambden, J., Ruvolo, J. and I. Santos, Deputy Clerk

A081390 Rafi Barkat et al.,  
v.  
USX Corporation.  
Cause called and argued by Christopher Andrews, counsel for appellant,  
and David Beach, counsel for respondent. Cause ordered submitted.

A080066 Jack Poff,  
v.  
Willow Creek Ranch, LLC, et al.  
Cause called and argued by Thomas Philip Kelly, counsel for appellant,  
and Clayton Emerson Clement and Joseph Anthony Piasta, counsels for  
respondents. Cause ordered submitted.

A082587 Stephen Cross,  
v.  
San Francisco Unified School District et al.  
Cause called and argued by Anthony Peter David, counsel for appellant,  
and James Michael Gentile, counsel for respondent. Cause ordered  
submitted.  
COURT ADJOURNED.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, February 19, 1999

DIVISION ONE

**A082927 -- The People v. Ricardo Parraga.**

The order revoking appellant's probation and imposing the previously stayed prison term is affirmed. Swager, J. We concur: Strankman, P.J., Stein, J.

**A083988 -- The People v. Vaimaa L. Taito.**

The judgment is affirmed. Marchiano, J. We concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

DIVISION TWO

**A081573 -- The People v. Daniel Joseph Brigham.**

The matter is remanded for resentencing. In all other respects the judgment is affirmed. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A083486 -- Mark Aronson v. Ben Melton et al.**

The judgment is affirmed. Costs on appeal are awarded to Aronson. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Friday, February 19, 1999 (continued)

DIVISION FOUR

**A080422 -- George J. Habeeb et al. v. Robert H. Highsmith et al.**

The judgment is affirmed. Further, no modification should be made of the trial court's findings on the issue of breach of fiduciary duty. Appellants to bear costs of appeal. McGuiness, J.\* We concur: Poché, Acting P.J., Reardon, J.

\*Presiding Justice of the Court of Appeal, First Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A081899 -- The People v. Leonard B. Sanderson, Jr.**

The judgment is affirmed. Hanlon, P.J. We concur: Poché, J., Sepulveda, J. (Not for Publication.)

**A081471 -- Vikco Insurance Services, Inc. v. Ohio Indemnity Company.**

The judgment is affirmed. McGuiness, J.\* We concur: Hanlon, P.J., Poché, J.

\*Presiding Justice of the Court of Appeal, First Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Certified for Publication.)

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, February 22, 1999

DIVISION ONE

**A080730 -- The People v. Cathy Patricia Rubio.**

Accordingly, the judgment is affirmed. Swager, J. We concur: Stein, Acting P.J., Marchiano, J. (Not for Publication.)

DIVISION THREE

**A079137 -- The People v. Lacedric William Johnson.**

**A082014 -- In re Lacedric William Johnson on Habeas Corpus.**

The judgment is affirmed. Defendant's petition for writ of habeas corpus is denied. Walker, J. We concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

**A080399 -- The People v. Michael Wayne Hudson.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Monday, February 22, 1999 (continued)

**A081272 -- The People v. Joseph J. Neider.**

The judgment is affirmed. Poché, J. We concur: Hanlon, P.J., Reardon, J.  
(Not for Publication.)

**A083916 -- The People v. Richard Joseph Bonfadini.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, J., Sepulveda, J.  
(Not for Publication.)

DIVISION FIVE

**A080509 -- In re Jeffrey W., a Person Coming Under the Juvenile Court Law.**

Having found no error, the order adjudicating appellant a ward of the court pursuant to Welfare and Institutions Code section 602 and committing him to out of home placement is affirmed. Jones, P.J. We concur: Haning, J., Stevens, J.  
(Not for Publication.)

**A081358 -- Basic Modular Facilities, Inc. v. Keihan Ala Ehsanipour.**

The case is remanded with directions to restore appellant's lien on the subject property in the amount of \$192,062. Costs to appellant. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)



MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Tuesday, February 23, 1999

DIVISION TWO

**A077469/A080669 -- Tenderloin Housing Clinic, Inc. v. Bhazubhai C. Patel.**

The judgments in both appeal No. A077469 and appeal No. A080669 are affirmed. Each party is to bear its own costs of appeal. Ruvolo, J. We concur: Haerle, Acting P.J., Lambden, J. (Not for Publication.)

**A080177 -- Estate of Emma Hauser, Deceased.**

**Virginia Davidson et al. v. Victor Hauser et al.**

The July 29, 1997 order of the trial court is reversed, and the case remanded for further proceedings in accordance with the views expressed herein. Appellant's request for sanctions is denied. Costs on appeal to appellants. Kline, P. J. We concur: Haerle, J., Ruvolo, J. (Not for Publication.)

**A082393 -- The People v. Bruce Joel Hall.**

**A085023 -- In re Bruce Joel Hall On Habeas Corpus.**

The judgment is affirmed and the petition for a writ of habeas corpus is denied. Haerle, J. We concur: Kline, P. J., Ruvolo, J. (Not for Publication.)

Tuesday, February 23, 1999 (continued)

### DIVISION THREE

**A080978 -- Homebuilders Association of Northern California et al. v. City of Livermore; Livermore Valley Joint Unified School District, R.P.I.**

The judgment is reversed in part and the matter remanded to the trial court with directions to modify its writ of mandate as follows: 1) On page 2, paragraph one, line 17, the word “fee” is changed to “an amount that will provide full mitigation.” 2) On page 2, paragraph 3, lines 22-24, is deleted. 3) On page 2, line 28 to page 3, line 1, paragraph 4(a), the words “the fee required by Government Code § 65995 et seq. not to exceed \$1.84 per square foot” are changed to “an amount which will provide full mitigation of the proposed project’s impacts on school facilities.” 4) On page 2, lines 8-14, paragraphs 5 and 6 are to be modified consistent with the views expressed in this opinion.

As to the grant of the City’s motion for summary judgment, the judgment is affirmed. Corrigan, J. We concur: Phelan, P. J.\*, Walker, J.

\*Retired Presiding Justice of the Court of Appeal, First district, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

**A081144 -- The People v. David Jack Cordeiro.**

The order of December 3, 1997, modifying the order of November 24, 1997, is reversed. Appellant may move the trial court, if he chooses to do so, to seek modification of his court fine or to seek other relief attendant to the trial court’s error. We express no opinion regarding the validity of the relief suggested by appellant before this court. McGuiness, P.J., We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A0822775 -- The People v. Robin Blaylock.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Tuesday, February 23, 1999 (continued)

**A083898 -- The People v. Rucker Smith, Jr.**

The judgment is affirmed. Corrigan, J. We concur; McGuinness, P.J., Parrilli, J. (Not for Publication.)

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Tuesday, February 23, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: Corrigan, J., \*Phelan, J., Walker, J., and C. Turner, Deputy Clerk.

A080695 Georgia Ann Michell,  
v.  
William S. Miller,  
Cause called and argued by Robert William Drane, counsel for appellant,  
and Georgia Ann Michell-Langs, counsel for respondent.  
Cause ordered submitted.  
Justice Phelan left the bench.  
Justice McGuiness, P.J., took his place on the bench.

A078030 The People,  
v.  
Carolyn Marie Hasbun,  
Cause called and argued by Mark Harold Shenfield, counsel for appellant,  
and Violet M. Lee, Deputy Attorney General, counsel for respondent.  
Cause ordered submitted.

A077513 The People,  
A078031 v.  
Diane Louise McCrary,  
Cause called and argued by Scott John Drexel, counsel for appellant, and  
George F. Hindall, III, counsel for respondent.  
Cause ordered submitted.

court adjourned

\*Retired Presiding Justice of the Court of Appeal, First District assigned by  
the Chief Justice pursuant to article VI, section 6 of the California  
Constitution.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Wednesday, February 24, 1999

DIVISION THREE

**A083252 -- RW Professional Leasing Corp. v. Robert W. Gardner.**

We reverse and remand the matter to the trial court for further proceedings. Costs are awarded to the appellant. Walker, J. We concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

DIVISION FOUR

**A082049 -- The People v. Learard May Peterson.**

The order extending commitment is affirmed. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

**A082639 -- The People v. Arthur Alvarez.**

The judgment is affirmed. Reardon, J. We concur: Hanlon, P.J., Sepulveda, J. (Not for Publication.)

Wednesday, February 24, 1999 (continued)

DIVISION FIVE

**A080118 -- Ramon Zamudio v. City and County of San Francisco, et al.**

By The Court: The written opinion which was filed on 1/26/99, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports.

The petition for rehearing is denied. Jones, P.J.

**A081419 -- The People v. Bijan Moiniafshari.**

The judgment is affirmed. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A082494 -- The People v. Garth Egan Powelson.**

**A084151 -- In re Garth Egan Powelson on Habeas Corpus.**

The judgment is affirmed. The petition for writ of habeas corpus is denied. Haning, J. We concur: Jones, P.J., Stevens, J. (Not for Publication.)

Courtroom Minutes  
Division 4  
Wednesday, February 24, 1999

Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Hanlon, P.J., and Sepulveda, J.; Channing Hoo, Deputy Clerk and CHP Officer Elizabeth Swanson, Bailiff.

A08291      People  
                 v.  
                 Jose Santa Romana Tuico  
Cause called. Each counsel confirmed his earlier waiver of Justice Poche's presence on the bench. Cause argued by Alex Green, counsel for appellant Tuico, and by John Vance, Jr., counsel for respondent. Cause ordered submitted.

At this point, the court reconstituted itself to include Hanlon, P.J., Reardon, J. and Sepulveda, J.

A080439      Adolfo Alan et al.  
                 v.  
                 Richard J. Stapleton  
Cause called and argued by Charles Oakley, counsel for appellants Alan et al., and by Edward McCutchan, counsel for respondent. Cause ordered submitted.

Court adjourned at 10:01 a.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Thursday, February 25, 1999

DIVISION ONE

**A082045 -- The People v. Mario Jose Taylor.**

The judgment is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

**A082672 -- Anthony Cole, Jr. v. Ocwen Federal Bank.**

Summary adjudication of all causes of action other than the accounting cause of action was proper. The judgment is reversed as to the accounting cause of action. Respondent can avoid further proceedings only by crediting appellant with the disputed payments and thus accepting that the payment of back taxes was not his responsibility. Each party will bear its own costs on appeal. Stein, J. We concur: Strankman, P.J., Marchiano, J. (Not for Publication.)

DIVISION TWO

**A078946 -- Betty Ann Doty v. Broadway, Inc. et al.**

The judgment is affirmed. Costs on appeal to respondents. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A079982 -- Mary C. Keitel v. George W. Heubel et al.**

The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)



Thursday, February 25, 1999 (continued)

**A080690 -- Judith Vidaver v. Board of Supervisors for the County of Mendocino, Jackson-Grube Family, Inc., R.P.I.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A085401 -- Ryan, et al. v. Stillman, et al.**

By The Court: The petition for writ of supersedeas is hereby granted. Pending resolution of the appeal in case number 84576, enforcement of the order granting plaintiffs leave to file a third amended complaint and allowing them to file a pleading based on attorney client civil conspiracy (Civ. Code, § 1714.10), filed September 14, 1998, is hereby stayed pending further order of this court.

The justices participating in this matter were McGuinness, P.J., Corrigan, J., and Parrilli, J.

McGuinness, P.J.

DIVISION FOUR

**A078593 -- The People v. Eric Anthony Parker.**

The enhancement for a prior prison conviction pursuant to section 667.5, subdivision (b), based upon a violation of section 4530, subdivision (c), is ordered stricken. The trial court is directed to modify the abstract of judgment accordingly, and to forward a certified copy of the amended abstract to the Department of Corrections. Sepulveda, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

**MINUTES**  
COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday, February 25, 1999

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J.; and Strankman, P.J. of Division One on assignment by order of The Chief Justice\* and Richard H. Sandvik Deputy Clerk. Counsel having so stipulated, Haning, J. to review oral argument by way of audio tape recording.

A082347      The People

v.

Robert Wayne Trotter

Cause called and argued by Marylou Elin Hillberg, counsel for appellant, and by Jeremy Friedlander, Deputy Attorney General, counsel for respondent, via teleconference. Cause ordered submitted subject to review of the audio tape by Haning, J.

A080864      Regina Davis et al.

v.

State Farm Insurance Company

Cause called and argued by Allan Merle Tabor, counsel for appellant, and by Robert Andris, counsel for respondent. Cause ordered submitted subject to review of the audio tape by Haning, J.

A084765      Safeco Insurance Co. Of America

v.

The Superior Court of Contra Costa County

Marianne McKinney, et al.

Cause called and argued by W. Eric Blumhardt and William H. Staples, counsel for petitioner and Curtis L. Johnson, counsel for real party in interest. Cause ordered submitted subject to review of the audio tape by Haning, J.

- A080108      Melvin Hendrickson et al.  
v.  
Zurich American Insurance Company of Illinois et al.  
Cause called and argued by Christopher Alan Helenius, counsel for appellants, and by Doug Houser, counsel for respondent. Cause ordered submitted subject to review of the audio tape by Haning, J.
- A083031      Sum Moo Seto et al.  
v.  
Art Narvaez  
Cause called and argued by Thomas Stephen Brigham, counsel for cross-complainant and appellant, and by David Enne Newhouse and Scott A. S Sommer, counsel for cross-defendant and appellant. Cause ordered submitted subject to review of the audio tape by Haning, J.
- A081385      Donald Cohen et al.  
v.  
Andrienne L. Adler et al.  
Cause called and argued by Patrick Joseph Richard, counsel for appellants, and by Robert Winslow Cohen, counsel for respondents. Cause ordered submitted subject to review of the audio tape by Haning, J.
- A082232      Rodeo Sanitary District  
v.  
Board of Supervisors et al.  
Cause called and argued by Bryce Clay Anderson, counsel for appellant, and by Bernard Louis Knapp, counsel for respondent. Cause ordered submitted subject to review of the audio tape by Haning, J.
- A083118      Mt. View Sanitary District  
v.  
Board of Supervisors et al.  
Cause called and argued by Bryce Clay Anderson, counsel for appellant, and by Bernard Louis Knapp, counsel for respondent. Cause ordered submitted subject to review of the audio tape by Haning, J.

- A083118      Larry L. Whiteside  
v.  
Lonestar Mortgage Services, L.L.C.  
Cause called and argued by Daniel J. Mulligan, counsel for appellant, and  
by Edmund L. Regalia, counsel for respondent. Cause ordered submitted  
subject to review of the audio tape by Haning, J.
- A082585      In re Rahmond B., a minor.  
The People  
v.  
Rahmond B.  
Cause called and argued by Robert Bernard Bryzman, counsel for  
appellant, and by David D. Salmon, Deputy Attorney General, counsel for  
respondent. Cause ordered submitted subject to review of the audio tape by  
Haning, J.
- A082140      The People  
v.  
Randy Edward Cooper  
Cause called and argued by Barry Martin Karl, counsel for appellant, and  
by Sharon D. Birenbaum, Deputy Attorney General, counsel for  
respondent. Cause ordered submitted subject to review of the audio tape by  
Haning, J.
- A085252\*      Jasmyne B.  
v.  
The Superior Court  
Social Services Agency et al.  
Cause called and argued by Mindely Rachel Buford, counsel for petitioner,  
via teleconference, and by Tamara Wiggins, Deputy County Counsel,  
counsel for real parties in interest. Cause ordered submitted.
- A085253\*      Gregory B.  
v.  
The Superior Court  
Social Services Agency et al.  
Cause called and argued by Sandra Faye Banks, counsel for appellant, and  
by Tamara Wiggins, Deputy County Counsel, counsel for respondent.  
Cause ordered submitted.

Court adjourned at 2:20 p.m.

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Friday, February 26, 1999

DIVISION TWO

**A078432 -- The People v. Miguel Murrieta Morgan.**

We find no sentencing errors. The judgment is affirmed. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A083226 -- The People v. Willis J. Ferrell.**

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

DIVISION THREE

**A077513 & A078031 -- The People v. Diane Louise McCrary.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

**A082373 -- In re Romaine N., a Person Coming Under the Juvenile Court Law.**

The judgment is affirmed. McGuiness, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)